

**BARBERING & COSMETOLOGY EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
DECEMBER 4, 2000**

PRESENT: Bruce Bennett, Barbara Flaherty, Laura Jenkins, Karen Krause, Leon Lauer (until 1:00), Marvile Martin, and Danny Trotter

EXCUSED: Lorraine Norem and Denise Svetly

STAFF PRESENT: Alfred Hall, Jr., John Schweitzer, Jan Neitzel; Darwin Tichenor and Members of Division of Enforcement Staff were present for portions of the meeting.

GUESTS: Ron Rodgers, CTS, and numerous guests

CALL TO ORDER

The meeting was called to order at 9:32 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present.

AGENDA

MOTION: Leon Lauer moved, seconded by Marvile Martin, to approve the agenda as published. Motion carried unanimously.

MINUTES (10/09/00)

MOTION: Leon Lauer moved, seconded by Marvile Martin, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary's Report

Secretary Cummings reported that the Cosmetology Board has done a great job in closing cases.

Secretary Cummings thanked the Advisory Committee for their recommendations relating to manicuring, aesthetics and electrology. The Secretary stated that the issue of medically-delegated practices is being discussed by legislators and that further investigation is needed.

Bureau Director's Report

- Update Ethics Board Opinion: Board Member Testifying as an Expert Witness in Malpractice Cases and Other Judicial Proceedings

John Schweitzer, Board Legal Counsel, recommended that any board members that are asked to testify as an expert witness contact the board's legal counsel before testifying.

- Board Roster

Laura Jenkins made a change to her work phone number and John Schweitzer asked that his e-mail address be listed.

- 2001 Meeting Dates

The Board received a copy of the 2001 meeting dates.

- Regulatory Digest Draft

Alfred Hall stated that articles relating to the following will be included in the February 2001 Regulatory Digest: recommendations of the Aesthetics, Electrologist and Manicurist Scope of Practice Committee, proposed administrative rules and legislative changes, status updates for the number of practitioners in each of the barber/cosmetology professions, practice questions, disciplinary issues and IRS answers to questions concerning employer-employee relationships.

- To-Pass Folder

No To-Pass Folder was circulated.

LEGISLATIVE UPDATE

Proposed Legislation - Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses

John Schweitzer stated that this bill allows credit for some out-of-state training.

Leon Lauer, Karen Krause, and Bruce Bennett volunteered to be the Board's designees to approve the final legislative draft relating to education requirements before it is sent to the legislature.

Barb Flaherty will represent the Board when the proposal reaches the legislature.

Proposed Legislation - Relating to Eligibility Requirements for Licenses Granted by the Barbering and Cosmetology Examining Board and Disciplinary Action Taken By the Board

The proposed legislation allows the Board to review all convictions for applicants.

Leon Lauer, Karen Krause, and Bruce Bennett volunteered to be the Board's designees to approve the final legislative draft relating to education requirements before it is sent to the legislature.

Barb Flaherty will represent the Board when the proposal reaches the legislature.

ADMINISTRATIVE RULES UPDATE

Discussion of Intermediate and Low Level Disinfection Rules

- Legal Counsel's Recommendations

The Board reviewed John Schweitzer's November 15, 2000, proposed changes to Chapters BC 1 and BC 4 relating to intermediate and low level disinfection and made several minor changes.

- Public Health Recommendations

The Board reviewed the November 22, 2000, memo from Jeannie Druckenmiller, CIC, relating intermediate and low level disinfection and made several minor changes.

- Scope of Practice

The Board discussed the recommendations relating to the scope of practice for intermediate and low level disinfection and agreed to continue with the rule revision.

MOTION: Bruce Bennett moved, seconded by Karen Krause, to continue with the rule draft. Motion carried unanimously.

Creation of Rule for Change of Booth or Chair Rental at the Same Location

The Board discussed reporting a change of address when changing booths within the same establishment.

MOTION: Leon Lauer moved, seconded by Marvile Martin, to require a notice of a change of booths, but not to require a new application or fee. Motion carried unanimously.

BOARD MEMBER ACTIVITY

Strategic Plan Follow-up – Planning for the Future

Nothing to report.

Recommendations of the Aestheticians, Electrologists, and Manicurists Scope of Practice Advisory

The Board discussed the recommendations made by the Scope of Practice Advisory Committee and will discuss the recommendations further at the February 5, 2001, meeting.

PRACTICE ISSUES

Continuing Education

The Board will discuss continuing education issues at a future meeting.

Waiver for Owners Having Difficulty Replacing Managers

The Board discussed a current 45-day waiver for establishments that are trying to find new managers.

MOTION: Karen Krause moved, seconded by Laura Jenkins, to change the 45-day waiver to a 60-day waiver for establishments to find a manager and to create a new rule reflecting the change. Motion carried unanimously.

Eyebrow and Eyelash Tinting

Karen Krause will write an article for the February 2001 Regulatory Digest relating to eyebrow and eyelash tinting.

APPRENTICESHIP PROGRAM

Nothing to report.

EXAMINATION ISSUES

Report on Practitioner Task Survey Results

Ron Rodgers, CTS, explained that there were several issues involved with the task survey results, including who the participants should be, how the results should be reported, how the participants should be rated, and how the recommendations of the sub-committee should be incorporated.

The Board discussed changing the test questions.

MOTION: Leon Lauer moved, seconded by Marvile Martin, to keep the written exam as it is in terms of topics and weights. Motion carried unanimously.

The Board discussed the proposed changes in the examination to reflect the differences between the two MiLady books and the one Pivot Point book.

MOTION: Leon Lauer moved, seconded by Marvile Martin, that the exam should keep its current topics and schools should use whatever materials are needed to cover the exam topics. Questions reflecting conflicts between the Pivot Point text and the Milady texts should be eliminated, and other questions reviewed as needed to reflect information from the two texts. Schools should be advised of exam topic areas which are not covered in the Pivot Point text. Motion carried unanimously.

Manager Task Survey Plans

The Board compared the “frequency and criticality scale” and the “difficulty to learn scale.”

MOTION: Leon Lauer moved, seconded by Marvile Martin, to continue with the “frequency and criticality scale.” Motion carried unanimously.

Manicurist Instructor Examination

The Board discussed increasing the amount of time allowed or decreasing the number fingers used for demonstration by participants taking the manicurist instructor examination

MOTION: Laura Jenkins moved, seconded by Leon Lauer, to decrease the number of fingers tested from 5 to 3 in the manicurist instructor examination. Motion carried unanimously.

DIVISION OF ENFORCEMENT

Manager's Responsibility for Keeping Track of Practitioners' Practice Hours

The Board clarified that the manager of the establishment is responsible for recording the practitioners' hours. The DWD, Wages and Labor Laws section can be contacted by practitioners with questions or problems relating to the recording of hours. An article will be included in the Regulatory Digest relating to the recording of practitioner hours.

LEGAL COUNSEL REVIEW OF PHONE INQUIRIES

Nothing to report.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Leon Lauer left.

Occupational Safety and Health Administration (OSHA) Response re: Difficulty With Obtaining Material Safety Data Sheets (MSDS)

Nothing to report.

Petition to Revise Process for Issuing Temporary Permits

The Board will discuss revising the process for issuing temporary permits at a future meeting.

NEW BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION:

Bruce Bennett moved, seconded by Karen Krause, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Laura Jenkins-yes; Karen Krause-yes; Marvile Martin-yes; Danny Trotter-yes; and Barbara Flaherty-yes;

Open Session recessed at 1:10 p.m.

CLOSED SESSION

The Board deliberated on a case closing, proposed stipulations and an examination issue.

ADJOURN CLOSED SESSION

By consensus the Board reconvened in Open Session at 1:21 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Danny Trotter moved, seconded by Karen Krause, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

00 BAC 045 Insufficient Evidence

STIPULATIONS

MOTION: Danny Trotter moved, seconded by Marvile Martin, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matters involving the following stipulations. Motion carried unanimously.

Donald A. Alexander (Milwaukee, WI.)
Brian R. Green (Milwaukee, WI.)
Jimmy D. Ho (Niles, IL.)
Annette Lay (Milwaukee, WI.)
Genevieve Wilcox Meilahn (Green Lake, WI.)
Nails Only (Appleton, WI.)
Phuong Hoang Ngo (Milwaukee, WI.)
Glamour Shots (Appleton, WI.)
Anna M. Maas (Madison, WI)
Karlene Janes (Green Lake, WI)
Lam Q. Le and Xuan Ngo (Wausau, WI)
Charlene Wilson-Durr and Cory Wilson (Milwaukee, WI)

EXAMINATION ISSUES

Challenge of Manicurist Exam Score

Darwin Tichenor reported that the candidate that was challenging the score has since taken the examination and passed. No action was needed by the Board.

ADJOURNMENT

MOTION: Laura Jenkins moved, seconded by Karen Krause, to adjourn the meeting at 1:23 p.m. Motion carried unanimously.